

**UNITED STATES DEPARTMENT OF COMMERCE****Unit d States Pat nt and Trademark Offic**Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

10D

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/807,190 04/10/01 MATSUDA

K MATSUDA 13

001444 HM12/0531
BROWDY AND NEIMARK, P.L.L.C.
624 NINTH STREET, NW
SUITE 300
WASHINGTON DC 20001-5303

EXAMINER

KULKOSKY, P

ART UNIT

PAPER NUMBER

1615

DATE MAILED:

4
05/31/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trad marks

Office Action Summary

Application No.
09/807190

Applicant(s)
Katsuya Matsuda et al

Examiner
P. Kulkosky

Group Art Unit
1615

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE Three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☐ Responsive to communication(s) filed on _____.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1 - 15 is/are pending in the application.
Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) ~~1-6, 14, 15~~ 1-6, 14, 15 is/are rejected.
- ☐ Claim(s) 7-13 is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____.
 - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____.

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

Art Unit: 1615

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-6, 14, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holmes-Farley et al 6,083,495 or 5,496,545 or 5,667,775 each taken alone or in view of Goto et al 6,022,533.

The Crosslinked polyallylamine resins of the instant claims are known to the art (see claim 2, column 8 of 5,496,545). The physical requirements for specific gravity, particle size and comonomer ratio are encompassed by the cited Prior Art synthetic enablement. The tablet of objected claim 10 acknowledgly contains Prior Art resin. The use of standared compression and coating steps as described for the ion exchange type Goto would be obvious to apply to the product polyallylamine particles of the primary references.

It the specific conditions of compression and physical requirements for particles resins used in the specification examples yield improved working properties such as shown in the Figures or other results, at would be necessary to demonstrate the improved results in comparative experiments with the closest of the Prior Art examples of crosslinked resin and procedures for tableting given in Goto et al.

Art Unit: 1615

Claims 7-13 are objected to under 37 CFR 1.75© as being in improper form because a multiple dependent claim cannot depend from another multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

Kulkosky/LR

May 25, 2001

A handwritten signature in black ink, appearing to read "P. F. Kulkosky", written in a cursive style.

PETER F. KULKOSKY
PRIMARY EXAMINER